

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

THOMAS C. SISOIAN

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION (IBM),

Defendant

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CIVIL ACTION NO.: 1:14-CV-00565-SS

JURY TRIAL DEMANDED

**PLAINTIFF'S SUBMISSION OF PAST AND PENDING
MOTIONS PURSUANT TO COURT'S ORDER [DOCKET NO. 65]**

Plaintiff Thomas C. Sisoian ("Sisoian") respectfully submits the following list of past and pending motions pursuant to the Court's Order dated June 20, 2014 [Docket No. 65]:

I.

Sisoian has no motions pending before the Court.

Sisoian previously filed a Motion to Compel Defendant International Business Machines Corporation ("IBM") to Respond to Sisoian's Venue Discovery Requests [Docket No. 14] in relation to IBM's Motions to Transfer Venue [Docket Nos. 11, 38, 53 and 54].

On March 10, 2014, Judge Schneider entered an Order Granting Sisoian's Motion to Compel Venue Discovery [Docket No. 47]. While Sisoian does not believe IBM ever fully complied with this Order (and filed status reports with supplemental briefing raising this issue [Docket Nos. 52 and 59] in response to Judge Schneider's request for such [Docket No. 51]), that Motion is now moot as the Parties reached a compromise regarding the venue dispute by agreeing to transfer the case to this Court.

II.

While not technically a “motion,” the Parties also submitted a Joint Discovery/Case Management Plan on May 7, 2014 [Docket No. 56], which was to be discussed with Judge Schneider at a May 14, 2014, Status Conference. A copy of the Joint Discovery/Case Management Plan is attached hereto for the Court's convenience as **Exhibit A**. The Court postponed the Status Conference on May 13, 2014. The case was subsequently transferred to this Court.

The Court has indicated that the new trial date will be sometime in 2016, rather than in April of 2015. Accordingly, Sisoian requests that the prior agreed schedule be revised to comport to the new trial date and the additional available time.

Counsel for the Parties have agreed to the vast majority of issues and have addressed matters such as electronic discovery, document production, and the orderly scheduling of depositions. The only unresolved items (which are set forth in the attached Joint Discovery/Case Management Plan) are:

1. Sisoian may seek production of materials related to IBM's internal investigation of Sisoian's claims, such as witness statements, which IBM may oppose depending on applicable privileges.
2. An agreement needs to be reached between the Parties regarding the total-hours limitation for depositions to be taken by each side. Sisoian previously proposed a 75 total hours per side, and IBM indicated that it might want more than 75 hours per side.
3. IBM previously raised concerns about its ability to provide discovery anticipated by Sisoian until Sisoian has specifically identified the alleged trade secret, including a copy of that which he contends James Hartmann improperly provided to Francis Anderson, and having otherwise substantially completed its production of documents. Sisoian will be providing this information, so this issue should be moot.
4. It appears that Francis Anderson resides in the United Kingdom, and James Hartmann resides elsewhere in Europe, which may make it necessary to invoke the Hague Convention to obtain discovery from them.

5. The parties have not yet agreed on the scope of confidential information that would be relevant to the dispute, or for which the possible benefit of such discovery would outweigh the burden of production.

Dated: July 8, 2014.

Respectfully submitted,

/s/ W. Mark Lanier

W. Mark Lanier

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**ATTORNEYS FOR PLAINTIFF,
THOMAS C. SISOIAN**

CERTIFICATE OF SERVICE

I hereby certify that the all counsel of record, who are deemed to have consented to electronic service are being served this July 8, 2014, with a copy of this document via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ W. Mark Lanier

W. Mark Lanier